IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER **SUMMONS No. 477 of 1991.**

IN EXECUTION APPLICATION No.31 of 1979.

IN CASE No.ABN/1582/1939 of 1977.

Kishore Topandas. ..Disputant.

Versus.

New Akash Ganga Co-op.Hsg.Society Ltd. ...Opponents.

Mr. K. T. Kukreja for Opponents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 26th JUNE,2006.

P.C.:-

1] There is no reply affidavit in support of this Chamber Summons. The Chamber Summons has been duly served but none appears when it is called out. There is no V.P. for the original plaintiff/decree holder and there is no reply either.

2] In the affidavit, it is pointed out that the Award of Co-operative Court has been set aside and therefore the Execution Application itself does not survive. All these facts are uncontroverted and therefore security given in the Execution Proceeding needs to be discharged. Accordingly, this Chamber Summons is made absolute in terms of prayer clause (a).

3] No order as to costs.

(S.C.DHARMADHIKARI,J.)